



House of Representatives

General Assembly

File No. 162

January Session, 2003

Substitute House Bill No. 6528

House of Representatives, April 2, 2003

The Committee on Public Safety reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE OFFICE OF THE STATE BUILDING INSPECTOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 29-262 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2003*):

4 (a) The State Building Inspector and the Codes and Standards
5 Committee acting jointly, with the approval of the Commissioner of
6 Public Safety, shall require passage of a written examination and
7 successful completion of a suitable educational program of training as
8 proof of qualification pursuant to section 29-261 to be eligible to be a
9 building official. No person shall act as a building official for any
10 municipality until the State Building Inspector, upon a determination
11 of qualification, issues a license to such person except that a license
12 shall not be required (1) in the case of a person certified prior to
13 January 1, 1984, or (2) in the case of a provisional appointment, for a

14 period not to exceed [ninety days] one year in order to complete such
15 training program and licensure classes, made in accordance with
16 standards established in regulations adopted by the State Building
17 Inspector and the Codes and Standards Committee in accordance with
18 the provisions of chapter 54. The State Building Inspector and the
19 Codes and Standards Committee, with the approval of the
20 Commissioner of Public Safety, shall establish classes of licensure that
21 will recognize the varying complexities of code enforcement in the
22 municipalities within the state.

23 (b) The State Building Inspector shall prepare and conduct or
24 approve continuing educational programs designed to train and assist
25 building officials in carrying out the duties and responsibilities of their
26 office. Such educational programs shall be in addition to the program
27 specified under subsection (a) of this section and shall consist of not
28 less than ninety hours of training over consecutive three-year periods.
29 Each building official and assistant building official shall attend a
30 minimum of ninety hours of such training [programs and] over
31 consecutive three-year periods. Each plan reviewer technician shall
32 attend a minimum of sixty hours of such training over consecutive
33 three-year periods. Each construction inspector, electrical inspector,
34 mechanical inspector, plumbing inspector and heating and cooling
35 inspector shall attend a minimum of thirty hours of such training over
36 consecutive three-year periods. Each building official and other code
37 inspection official shall present proof of successful completion to the
38 State Building Inspector. The State Building Inspector may, after notice
39 and opportunity for hearing, revoke any license issued under the
40 provisions of subsection (a) of this section or any certificate issued
41 prior to January 1, 1984, for failure on the part of a building official to
42 present such proof. Any licensed or certified building official or other
43 code inspection official who wishes to retire his or her license or
44 certificate may apply to the office of the State Building Inspector to
45 have such license or certificate retired and be issued a certificate of
46 emeritus. Such retired official may no longer hold himself or herself
47 out as a licensed or certified official.

48 Sec. 2. Subsection (c) of section 29-402 of the general statutes is
49 repealed and the following is substituted in lieu thereof (*Effective*
50 *October 1, 2003*):

51 (c) The provisions of this section shall not apply to (1) a person who
52 is engaged in the disassembling, transportation and reconstruction of
53 historic buildings for historical purposes or in the demolition of farm
54 buildings or in the renovation, alteration or reconstruction of a single-
55 family residence, [or] (2) the removal of underground fuel storage
56 tanks, (3) the burning of a building or structure as part of an organized
57 fire department training exercise, or (4) the demolition of a single-
58 family residence or out building by an owner of such structure if it
59 does not exceed a height of thirty feet, provided the owner shall be
60 present on site while such demolition work is in progress, shall be held
61 personally liable for any injury to individuals or damage to public or
62 private property caused by such demolition, and provided further
63 such demolition shall be permitted only with respect to buildings
64 which have clearance from other structures, roads or highways equal
65 to or greater than the height of the structure subject to demolition. The
66 local building official may require additional clearance when deemed
67 necessary for safety.

68 Sec. 3. Subsection (e) of section 29-252a of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective*
70 *October 1, 2003*):

71 (e) The State Building Inspector or [his] the designee [shall] of the
72 inspector may inspect or cause to be inspected any construction of
73 buildings or alteration of existing buildings by state agencies. The State
74 Building Inspector may order any state agency to comply with the
75 State Building Code.

76 Sec. 4. Subsection (b) of section 29-266 of the general statutes is
77 repealed and the following is substituted in lieu thereof (*Effective*
78 *October 1, 2003*):

79 (b) When the building official rejects or refuses to approve the mode

80 or manner of construction proposed to be followed or the materials to
81 be used in the erection or alteration of a building or structure, or when
82 it is claimed that the provisions of the code do not apply or that an
83 equally good or more desirable form of construction can be employed
84 in a specific case, or when it is claimed that the true intent and
85 meaning of the code and regulations have been misconstrued or
86 wrongly interpreted, [the permit, in whole or in part, having been
87 refused by the building official,] or when the building official issues a
88 written order under subsection (c) of section 29-261, the owner of such
89 building or structure, whether already erected or to be erected, or his
90 authorized agent may appeal in writing from the decision of the
91 building official to the board of appeals. When a person other than
92 such owner claims to be aggrieved by any decision of the building
93 official, such person or his authorized agent may appeal, in writing,
94 from the decision of the building official to the board of appeals, and
95 before determining the merits of such appeal the board of appeals shall
96 first determine whether such person has a right to appeal. Upon
97 receipt of an appeal from an owner or his representative or approval of
98 an appeal by a person other than the owner, the chairman of the board
99 of appeals shall appoint a panel of not less than three members of such
100 board to hear such appeal. Such appeal shall be heard in the
101 municipality for which the building official serves within five days,
102 exclusive of Saturdays, Sundays and legal holidays, after the date of
103 receipt of such appeal. Such panel shall render a decision upon the
104 appeal and file the same with the building official from whom such
105 appeal has been taken not later than five days, exclusive of Saturdays,
106 Sundays and legal holidays, following the day of the hearing thereon.
107 A copy of such decision shall be mailed, prior to such filing, to the
108 party taking such appeal. Any person aggrieved by the decision of a
109 panel may appeal to the Codes and Standards Committee within
110 fourteen days after the filing of the decision with the building official.
111 Any determination made by the local panel shall be subject to review
112 de novo by said committee.

This act shall take effect as follows:
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Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

PS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes technical changes in the following areas: training and license requirements for building officials, provisional appointments, certain inspections for existing buildings, exemptions from requirements for demolition permits, and appeals for permit denials. Passage of the bill does not result in any fiscal impact to the state.

OLR Bill Analysis**sHB 6528*****AN ACT CONCERNING THE OFFICE OF THE STATE BUILDING INSPECTOR*****SUMMARY:**

This bill specifies that building officials must take at least 90 hours of continuing educational training, prepared, conducted, or approved by the state building inspector, over three consecutive years. Over the same period, it requires 90 hours for assistant building officials; 60 hours for plan reviewer technicians; and 30 hours for construction, electrical, mechanical, plumbing, and heating and cooling inspectors. It increases, from 90 days to one year, the maximum duration of a local building official's provisional appointment. Under current practice, the 90-day period is renewable, apparently without any restrictions.

As is the case with local building officials, the bill requires the other code officials to give the state building inspector proof that they have completed training.

The bill allows, rather than requires, the state building inspector to inspect or cause to be inspected any building construction or alteration of existing buildings by state agencies.

The bill exempts from registration requirements for a demolition permit anyone (1) burning a building or structure as part of an organized fire department training exercise and (2) removing underground fuel tanks.

Under current law, a building owner may appeal to the local board of appeals only when the building official denies a permit. The bill allows aggrieved building owners' appeals of other building officials' decisions involving building code matters.

The bill also allows a building official to ask the state building inspector to retire his license or certificate and issue an emeritus certificate. A building inspector emeritus may not hold himself out as a licensed or certified official.

EFFECTIVE DATE: October 1, 2003

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute

Yea 22 Nay 0